



Practitioner's Docket No. U014891-3

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Ming-Hung LAN, et al

Application No.: 10/713,366 Group No.: 3643

Filed: November 14, 2003 Examiner: Trinh T. Nguyen

For: INCUBATION METHOD FOR OBTAINING SOLID CULTURE OF ZANG ZHI, SOLID CULTURE OBTAINED THEREFROM, PROCESSED PRODUCTS AND USE THEREOF

[ ] \*Patent No.: Issue Date:

Reexamination Date:

\*NOTE: Preferably also insert inventor's name and invention title.

**Commissioner for Patents**

P. O. Box 1450

Alexandria, VA 22313-1450

**TERMINAL DISCLAIMER TO OBLIGATE  
A DOUBLE PATENTING REJECTION (37 C.F.R. SECTION 1.321(c))**

**Identification of Person(s) Making This Disclaimer**

I, CLIFFORD J. MASS

(type or print names of all inventors or assigns or name of attorney signing disclaimer)

(a) represent that I am

[ ] an inventor (applicant) of this invention.

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**CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. SECTION 1.8(a))**

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

- deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Date: January 24, 2006

**FACSIMILE**

- transmitted by facsimile to the Patent and Trademark Office to (571)-273-8300

Signature

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01/30/2006 MBELETE1 00000008 10713366

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65.00 OP

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- [ ] an assignee of this invention.  
[ ] a representative authorized to sign on behalf of the assignee identified below.  
[ ] A statement under 37 C.F.R. Section 3.73(b) is attached.  
[ X ] the attorney of record for this invention.

*NOTE: The rules "permit an attorney or agent of record to sign a terminal disclaimer without the need to comply with Section 3.73(b)." Notice of Oct. 15, 1993, 1156 O.G. 54-61, at 56. See also Section 1490, M.P.E.P., 7<sup>th</sup> Edition.*

**IDENTITY OF ASSIGNEE AND TITLE OF DISCLAIMANT**  
*(if any)*

The assignee is

Name of assignee Ming-Huang LAN

Address of assignee 7F, No. 9, Lane 191, Sec. 2, Di-Hua Street

Taipei, Taiwan R.O.C.

If signed by assignee, title of disclaimant authorized to sign on behalf of assignee

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**EXTENT OF DISCLAIMER'S INTEREST**

The extent of the interest in this invention that the disclaimant owns is:

- [ ] the whole of this invention.  
[ ] a sectional interest in this invention, as follows:

*NOTE: Disclaimers from the whole interest must be filed.*

*(state the exact interest of the disclaimant)*

The disclaimant is:

- [ ] the applicant(s) \_\_\_\_\_ (name of applicants)  
[ ] the assignee(s) \_\_\_\_\_ (name of assignee)

**RECORDAL OF ASSIGNMENT IN PTO**  
*(if applicable)*

[x] The assignment was recorded on February 28, 2002

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[ ] Authorization for recordal of the assignment is separately filed:

[ ] "ASSIGNMENT (DOCUMENT) COVER SHEET" or  
[ ] FORM PTO 1595 is also attached.

**DISCLAIMER**  
*(select one of the following)*

**(Provisional Obviousness-Type Double Patenting Rejection Over A Pending Application)**

Petitioner hereby disclaims, except as provided below, the terminal part of any patent granted on the instant application, which would extend beyond the expiration date of any patent granted on Application No. \_\_\_\_\_, filed on \_\_\_\_\_, as shortened by any terminal disclaimer. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the above-listed application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. Sections 154 to 156 and 173 of any patent granted on the application forming the basis of the double patenting rejection, namely, any patent granted on Application No.: \_\_\_\_\_, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. Section 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

**DISCLAIMER FEE (37 C.F.R. Section 1.20(d))**

[ ] Other than a small entity--fee \$130.00

[ ] Small entity--fee \$65.00

[ ] Small entity statement attached

[ ] Small entity statement already filed

[ ] in patent application \_\_\_\_\_ on \_\_\_\_\_

(date)

*OR*

**(Obviousness-Type Double Patenting Rejection Over A Prior Patent)**

Petitioner hereby disclaims, except as provided below, the terminal part of any patent granted on the instant application, which would extend beyond the expiration date of Patent No. 6,740,517 as presently shortened by any terminal disclaimer. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the above-listed patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

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[ ] Other than a small entity--fee \$130.00

[X] Small entity--fee \$65.00

[ ] Small entity statement attached

[X] Small entity claimed or statement already filed.

[X] in patent application 10/713,366 on November 14, 2003

(date)

*OR*

**(Provisional Obviousness-Type Double Patenting Rejection Over A Pending Application--Reexamination Proceeding)**

Petitioner hereby disclaims, except as provided below, the terminal part of any patent being reexamined, which would extend beyond the expiration date of any patent granted on Application No. \_\_\_\_\_, filed on \_\_\_\_\_, as shortened by any terminal disclaimer. Petitioner hereby agrees that any reexamination certificate issued on the instant patent being reexamined shall be enforceable only for and during such period that it and any patent granted on the above-listed application are commonly owned. This agreement runs with any reexamination certificate issued on the instant patent granted and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any reissue certificate granted on the instant patent being reexamined that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. Sections 154 to 156 and 173 of any patent granted on the application forming the basis of the double patenting rejection, namely, any patent granted on Application No.:

\_\_\_\_\_, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. Section 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

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Other than a small entity--fee \$130.00

Small entity--fee \$65.00

Small entity statement attached

Small entity statement already filed

in patent application \_\_\_\_\_ on \_\_\_\_\_  
*(date)*

*OR*

**(Provisional Obviousness-Type Double Patenting Rejection Over A Prior Patent--Reexamination Proceeding)**

Petitioner hereby disclaims, except as provided below, the terminal part of the patent being reexamined, which would extend beyond the expiration date of Patent No. \_\_\_\_\_ as presently shortened by any terminal disclaimer. Petitioner hereby agrees that the patent for which a reexamination certificate is issued as a result of this proceeding shall be enforceable only for and during such period that it and the above listed patent granted are commonly owned. This agreement runs with any reexamination certificate issued on the instant patent and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any reexamination certificate granted on the instant patent that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. Sections 154 to 156 and 173 of the patent forming the basis of the double patenting rejection, namely, Patent No.: \_\_\_\_\_, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. Section 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

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[ ] Other than a small entity--fee \$130.00

[ ] Small entity--fee \$65.00

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[ ] in patent application\_\_\_\_\_ on \_\_\_\_\_  
*(date)*

**FEE PAYMENT**

- [ ] Already paid
- [X] Attached is a check in the sum of \$ 65.  
Charge Account 12-0425 for any fee deficiency.
- [ ] Charge Deposit Account \_\_\_\_\_ the sum of \$ \_\_\_\_\_.  
A duplicate of this disclaimer is attached.

**Signature of claimant**

or

**SIGNATURE OF ATTORNEY OF RECORD**

CLIFFORD J. MASS  
(type or print name of practitioner)

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